



RAUL CASSO IV LAW PLLC

LEGAL SERVICES IN PORT LAREDO

a. 2107 Shiloh Dr # 10 Laredo TX 78045
m. POBOX 450896 Laredo TX 78045
t. (956) 282-1748

e. raul.casso@cassocustomslaw.com
w. www.cassocustomslaw.com

February 20, 2018

Mr. Jimmy A. Rodriguez

Assistant United States Attorney
1000 Louisiana, Suite 2300
Houston, Texas 77002

VIA CERTIFIED MAIL

RECEIPT NO. 7017268000047439187

Re: Civil No. 17-cv-244, *Palacios, et al. vs. Chief Patrol Agent Martinez, et al.*, Southern District of Texas; 2-06-18 Letter Rodriguez to Casso

Dear Mr. Rodriguez:

Thank you for the above referenced correspondence. In response to the same, please be advised of the following:

1. The summons in this matter was indeed directed to AUSA Ramirez. That summons, however, was re-directed to the U.S. Attorney for the Southern District and accepted by the civil process clerk (Kermit Calvin) on December 8, 2017.
2. According to FRCP 4 (a), the summons and complaint must be “directed to the defendant.” Although the summons names AUSA Ramirez, the copy of the summons and complaint were directed to the defendant via the U.S. Attorney.
3. We have filed the return of service with the District Clerk’s office. I attach a copy of the return affidavit for your reference. I also attach copies of cover letters that accompanied copies of case documents to CBP headquarters in Laredo, and to Chief Agent Mario Martinez.
4. With respect to claims against federal defendants in their official capacities, service on the United States was effectuated on December 8, 2017. Copies of the summons and complaint

were received by the Attorney General in Washington D.C. on December 18, 2017. In accordance with FRCP 4 (i)(2), a copies of the same documents were received by Chief Martinez on February 16, 2018.

5. With respect to claims against Agent Martinez in an individual capacity, we served the United States as above stated. To serve Agent Martinez pursuant to FRCP 4 (e), we delivered a copy of the summons and complaint to the U.S. Attorney who is an agent authorized by law to receive service of process in this matter. Although not required, we also delivered a copy of the same documents to Agent Martinez personally on February 16, 2018—the date of actual delivery as stated on the USPS website.

Where sued in his individual capacity, we maintain that the time for Agent Martinez to have responded passed on February 7, 2018. Although an appearance has arguable been made by way of your letter referenced above which indicates a willingness to defend (and has now been filed with the Court), a formal answer or appropriate motion has not been made. Pursuant to FRCP 12(h)(1)(B), a party must include a defense of insufficiency of process in its first Rule 12 motion or the defense is waived. *Resolution Trust Corp. v. Starkey*, 41 F.3d 1018 (C.A.5 (Tex.) 1996. Although I have not urged any motions with the court where such technicalities may be addressed, a request for entry of default against Agent Martinez in a personal capacity is in order. An answer or appropriate motion would obviate any entry of default.

Your letter of February 6 makes clear that you do not represent any defendants in their individual capacities. Service of process, however, has been complied with. If I have made any factual errors in this letter concerning who should have been served and how, please let me know.

Thank you for your attention in these matters.

Should you wish to discuss, please do not hesitate to contact me.

Sincerely,


Raul Casso

cc.: Mr. Ricardo D. Palacios
Mr. David Almaraz



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February 15, 2018

Chief Patrol Agent Mario Martinez

c/o U.S. CBP

Laredo Sector Headquarters

207 West Del Mar Blvd.

Laredo, Texas 78041

VIA CERTIFIED MAIL

RE: Civil No. 17-cv-244; *Palacios v. Chief Patrol Agent Martinez, et al.*, Southern District of Texas

Dear Sir:

Enclosed here with please find the following documents that have been filed in the above referenced matter:

1. A copy of the return of service where by the U.S. Attorney was served a copy of the summons and complaint pursuant to FRCP 4(i)(A);
2. A copy of the cover letters whereby copies of the summons and complaint, and 1st Amended Complaint were forwarded to the Attorney General in Washington D.C. pursuant to FRCP 4 (i)(B);
3. A copy of the Original Complaint; and,
4. A copy of the 1st Amended Complaint.

Not included in this packet is the Motion to Dismiss filed by the Defendant Texas Ranger and our responsive pleading thereto. Those documents are filed among the court's papers.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Raul Casso".

Raul Casso

Cc: Mr. Jimmy Rodriguez
Assistant United States Attorney
1000 Louisiana, Suite 2300
Houston, Texas 77002

Mr. Ricardo D. Palacios
Mr. David Almaraz



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February 15, 2018

U.S. CBP

Laredo Sector Headquarters
207 West Del Mar Blvd.
Laredo, Texas 78041

VIA CERTIFIED MAIL

RE: Civil No. 17-cv-244; *Palacios v. Chief Patrol Agent Martinez, et al.*, Southern District of Texas

Dear Sir/Madame:

Enclosed here with please find the following documents that have been filed in the above referenced matter:

1. A copy of the return of service where by the U.S. Attorney was served a copy of the summons and complaint pursuant to FRCP 4(i)(A);
2. A copy of the cover letters whereby copies of the summons and complaint, and 1st Amended Complaint were forwarded to the Attorney General in Washington D.C. pursuant to FRCP 4 (i)(B);
3. A copy of the Original Complaint; and,
4. A copy of the 1st Amended Complaint.

Not included in this packet is the Motion to Dismiss filed by the Defendant Texas Ranger and our responsive pleading thereto. Those documents are filed among the court's papers.

Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Raul Casso". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Raul Casso

Cc: Mr. Jimmy Rodriguez
Assistant United States Attorney
1000 Louisiana, Suite 2300
Houston, Texas 77002

Mr. Ricardo D. Palacios
Mr. David Almaraz

FILED

2018 FEB 15 PM 12:36

U.S. COURTS
SOUTHERN DISTRICT
OF TEXAS

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. ATTORNEY'S OFFICE
ATTN: Assistant U.S. Atty
HECTOR RAMIREZ
1000 LOUISIANA STREET
Suite 2300
Houston, TX 77002

2. Article Number

(Transfer from service label)

7009 2250 0002 1998 9193

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Kermit Calvin
B. Received by (Printed Name)
Kermit Calvin

C. Date of De

12/8

D. Is delivery address different from item 1? If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merch

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE

TX 773

DEC 30

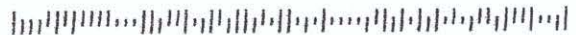


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

TEXAS PICTORIAL
2611 E. ELM STREET
LAREDO, TX 78043
724-7441

0-100111



UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Ricardo D. Palacios, individually, and Juan Salinas
Ranch, LTD.

Plaintiff(s)

v.

Chief Border Patrol Agent Mario Martinez, Unknown
Agents of U.S. Customs and Border Protection, and
Texas Ranger Ernesto Salinas

Defendant(s)

Civil Action No. 17-cv-244

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Assistant U.S. Attorney
Hector Ramirez
11204 McPherson Ste 11A
Laredo, TX. 78045

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Mr. David Almaraz
1802 Houston St.
Laredo TX
78040

Mr. Raul Casso
2107 Shiloh Dr. Ste. 10
Laredo TX
78045

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 11/29/2011



Signature of Clerk or Deputy Clerk

Civil Action No. 17-cv-244

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Assistant U.S. Attorney Hector Ramirez
was received by me on *(date)* NOVEMBER 30, 2017 at 2:40 P.M.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* U.S. ATTORNEY'S OFFICE, who is
designated by law to accept service of process on behalf of *(name of organization)* Assistant U.S.
Attorney Hector Ramirez on *(date)* DECEMBER 6, 2017 @ 1:04 PM.

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 12-6-17

Roxana Gonzalez
Server's signature

ROXANA GONZALEZ, SCH 5215
Printed name and title EXP. 6/30/18

2611 E. ELAM ST.
LAREDO, TX 78043

Server's address

Additional information regarding attempted service, etc:

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

U.S. ATTORNEY'S OFFICE
ATTN: Assistant U.S. Atty
HECTOR RAMIREZ
1000 LOUISIANA STREET
Suite 2300
Houston, TX 77002

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Kermit Calvin☐ Agent☐ Addressee

B. Received by (Printed Name)

Kermit Calvin

C. Date of Delivery

*12/8*D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7009 2250 0002 1998 9193

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE

TX 773

DEC 17



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

TEXAS PICTORIAL
2611 E. ELM STREET
LAREDO, TX 78043
724-7441

3-133111



Civil Action No. 17-cv-244

**First Amended
PROOF OF SERVICE**

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Assistant U. S. Attorney Hector Ramirez
was received by me on *(date)* 11/30/2017 .

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* U. S. Attorney's Office _____, who is
designated by law to accept service of process on behalf of *(name of organization)* Assistant U. S. Attorney
Hector Ramirez _____ on *(date)* 12/06/2017 ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 12/06/2017



Server's signature

Roxana Gonzalez, SCH 5215, EXP: 6-30-18

Printed name and title

2611 E. Elm Street, Laredo, TX 78043

Server's address

Additional information regarding attempted service, etc:

On Nov. 30, 2017, I arrived at the U.S. Attorney's office at 11204 McPherson Rd, Ste. 11A, Laredo, TX 78045 and attempted to serve Assistant U. S. Attorney Hector Ramirez. I was told by the front desk clerk that they do not accept process at their office and was given specific instructions on where to serve Mr. Ramirez. The clerk mentioned that once the Houston office received the summons, they would forward the summons to Mr. Ramirez. I was given the address to the U. S. Attorney's Office in Houston, TX, 1000 Louisiana Street, Suite 2300, Houston, TX 77002. I sent the summons thru certified mail, return receipt #7009 2250 0002 1998 9193, green card attached. The summons was accepted and signed by the civil process clerk, Kermit Calvin on 12-8-17. ✓